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*ADMITTED IN DC ONLY

October 23, 2014

Re: 7 West 57th Street Realty Company, LLC v. Citigroup, Inc., et al.,
USDC SDNY Case No. 13-cv-0981 (PGG)

Dear Judge Gardephe:

We are counsel for defendant Credit Suisse Group AG and submit this letter with Defendants¹ to request leave to address additional developments of law since the original motion to dismiss was fully briefed on December 13, 2013. *See* Dkt Nos. 114 – 122. The Court recently granted Plaintiff leave to submit additional briefing about developments in other LIBOR-related cases and requested briefing on additional legal developments that relate to Defendants' motion to dismiss Plaintiff's RICO claims. *See* Dkt No. 132 ("October 17, 2014 Order"). Defendants respectfully request leave to move to dismiss for lack of personal jurisdiction under Fed. R. Civ. P. 12(b)(2) because of significant changes in the law occurring after the original motion to dismiss was fully briefed.

Since the motion to dismiss was fully briefed, the Supreme Court has issued two opinions that have profoundly changed the landscape of personal jurisdiction: *Daimler AG v. Bauman*, 134 S. Ct. 2846 (2014) and *Walden v. Fiore*, 134 S. Ct. 1115 (2014). As the Second Circuit recently recognized in *Gucci America, Inc. v. Weixing Li*, 2014 WL 4629049 (2d Cir. Sept. 17, 2014), the Supreme Court case law now provides support for arguments for dismissal that were unavailable to Defendants at the time of the original briefing. In *Gucci*, the Second Circuit held that a foreign bank defendant — like Defendants here — did not waive its personal jurisdiction defense by failing to raise it in a motion to dismiss brought before *Daimler* was decided because "[p]rior to *Daimler*, courts in this Circuit often asserted general jurisdiction over nonparty foreign corporations based on the presence of corporate branches, subsidiaries, or affiliates in the Circuit." *Gucci*, 2014 WL 4629049, at *13 (citations omitted). For the same reason, there has been no waiver here.

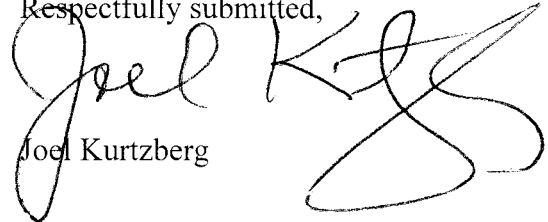
¹ Defendants The Bank of Tokyo-Mitsubishi UFJ, Ltd., Barclays Bank PLC, Deutsche Bank AG, The Norinchukin Bank, Westdeutsche ImmobilienBank AG, and Portigon/WestLB AG join in this letter (together with Credit Suisse Group AG, "Defendants"). Other banks may also join any motion to dismiss for lack of personal jurisdiction.

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Defendants' response to Plaintiff's supplemental briefing is due on November 14, 2014. *See* October 17, 2014 Order. Defendants respectfully request leave to file papers in support of their motion to dismiss for lack of personal jurisdiction on that date or a later date that would be convenient for the Court. That would give Defendants sufficient time to prepare the necessary motion papers — which may include short declarations.

Respectfully submitted,


Joel Kurtzberg

The Honorable Paul G. Gardephe
United States District Judge
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BY ECF

cc: Counsel of Record